

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

VERNA DIANNE DICKINSON  
AND GREGORY DICKINSON

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv198-LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY  
AND NATIONWIDE MUTUAL INSURANCE COMPANY

DEFENDANTS

**ORDER**

Following the pretrial conference held on June 25, 2008, in this cause of action, and apparently in response to part of the Court's [225] order on various motions *in limine*, the Nationwide Defendants now request [235] that Plaintiffs be precluded from offering any evidence, testimony, or argument relating to allegations of mental anguish, emotional distress, and related damages. The Court agrees with Defendants that Plaintiffs bear a heavy burden on these types of damages, but their current motion is nothing more than a collateral attack on the Court's [225] conclusion that the [1] original complaint "is broad enough to allow Plaintiffs to offer proof as to damages for mental anguish and emotional distress." As this issue should have been raised before the expiration of the motions deadline, Defendants' motion is untimely. Depending on the proof established at trial, Defendants are certainly entitled to request a judgment as a matter of law at the appropriate time.

Accordingly, **IT IS ORDERED:**

Defendants' [235] Motion to Strike and Preclude Any Evidence, Testimony, or Argument Relating to Plaintiffs' Allegations of Mental Anguish, Emotional Distress, and Related Damages is **DENIED, WITHOUT PREJUDICE.**

**SO ORDERED** this the 27<sup>th</sup> day of June, 2008.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE